

REMARKS

Claims 1-33 stand rejected under 35 U.S.C. § 102 and/or 35 U.S.C. § 103. The applicants respectfully disagree with the rejections as set forth in the outstanding office action and request reconsideration.

Regarding the rejection of claim 1, the Examiner asserts that Michael discloses the subject matter of claim 1, citing paragraphs [0020, 0021 and 0023]. Michael [0020] – [0023] reads as follows (emphasis added):

[0020] As noted above, users Charlie and Foxtrot are indicated to be online. Normally, this means that the users have logged in to the presence server unit 1104 and uploaded their presence states. Users Juliet and November, however, are offline. Thus, they have not logged in to their presence system. In operation, one of the offline users, such as Juliet, can use her phone 1122d to make a call, either to another user or to a remote party. The call is received at the routing system 1116, which provides a calling party identification to the dynamic presence proxy 1114. **The dynamic presence proxy 1114 then interacts with the presence server unit 1104 and can then determine if the calling party is a presence user. If so, and the calling party is not logged in to the presence server, then the dynamic presence proxy 1114 can inform the presence server 1104 that the user is available and the presence server 1104 will then use the watcher lists 1151 to update the calling party's presence status and transmit the updated status to the logged in users that are monitoring Juliet's presence.**

[0021] Operation of the embodiment of FIG. 1 is shown with reference to the flowchart of FIG. 2. At step 202, the presence server unit 1104 (FIG. 1) becomes activated. At step 204, the presence server unit 1104 receives watcher lists of registered, logged in users, and monitors the status of listed parties. For example, in FIG. 1, users Alpha, Charlie, Echo, Foxtrot, and Zulu are logged in and online. At step 206, a user who is not logged in to the presence system nevertheless makes use of a monitored system. Thus, for example, user Juliet makes a phone call. The call is received at the routing system 1116 (FIG. 1). The routing system 1116 identifies the calling party and provides this information to the dynamic presence proxy 1114, which updates the logged in parties' presence, at step 208. **In particular, the dynamic presence proxy 1114 communicates with the presence server unit 1104 with the identity of the calling party. The system determines that the calling party, Juliet, is a registered user but is not logged in to the presence system. The presence server unit 1104 updates the presence information to indicate that Juliet is on the phone, and then sends out the presence update to the logged in watching parties that are monitoring Juliet's presence. It is noted that in certain embodiments, the users can specify which watchers are authorized to receive their**

presence information. Thus, a check of authorization information may occur prior such to distribution of a presence update.

[0022] A block diagram of an exemplary telecommunications server according to an embodiment of the present invention is shown in FIG. 3. In the embodiment illustrated, the telecommunications server 1102 includes one or more telecommunications controllers, such as routing system 1116, dynamic presence proxy 1114, and presence server unit 1104. It is noted, however, that in alternate embodiments, the presence server may be located remotely from the telecommunications server.

[0023] The presence server unit 1104 may be implemented as an Instant Messaging system and may include a presence manager unit 215 *a* and a watcher list database manager unit 215 *b*. The presence manager unit 215*a* receives presence information from registered users and their contact lists. The watcher list database manager unit 215 *b* receives and coordinates the corresponding watcher list information.

However, independent claim 1 recites (emphasis added):

1. A method for facilitating wireless presence-based services comprising:
receiving, **by a wireless presence proxy (WPP) from a presence server, a buddy list presence update** for a mobile station (MS);
maintaining, by the WPP, **buddy list presence information reflecting the buddy list presence update** for the MS; and
when a condition for updating the MS exists, sending, **by the WPP**, presence information **from the buddy list presence information** to update the MS.

The applicants submit that Michael, as cited by the Examiner, does not disclose a wireless presence proxy receiving a buddy list presence update from a presence server nor the WPP then sending presence information from the buddy list presence information to update the MS. Although Michael, as cited by the Examiner, discloses a "dynamic presence proxy," the applicants submit that this dynamic presence proxy is functionally different than the WPP recited in claim 1. These arguments made with respect to claim 1 are also applicable to claim 32.

Regarding the rejection of claim 32, the Examiner cites Kadyk and Birkler. Independent claim 32 recites (emphasis added):

32. (original) A **wireless presence proxy (WPP)** for facilitating wireless presence-based services, the WPP comprising:

a network interface adapted to send and receive messaging using at least one communication protocol;

a processor, communicatively coupled to the network interface,

adapted to receive, **from a presence server** via the network interface, **a buddy list presence update for** a mobile station (MS),

adapted to maintain buddy list presence information reflecting **the buddy list presence update** for the MS, and

adapted to send, via the network interface, presence information **from the buddy list presence information** to update the MS, when a condition for updating the MS exists.

The applicants submit that Kadyk in combination with Birkler, as cited by the Examiner, do not teach or suggest a wireless presence proxy receiving a buddy list presence update from a presence server nor the WPP then sending presence information from the buddy list presence information to update the MS. These arguments made with respect to claim 32 are also applicable to claim 1.

Regarding the rejection of claims 21 and 33, the Examiner asserts that McDowell discloses the subject matter of these claims. However, as an example, independent claim 21 recites (emphasis added):

21. A method for facilitating wireless presence-based services comprising:

sending, by a mobile station (MS), **a call request**;

receiving, **by the MS, a traffic channel (TCH) assignment to support the call request**; and

receiving, **by the MS, updated buddy list presence information via the TCH supporting the call request**.

The applicants submit that McDowell, as cited by the Examiner, does not disclose the

same MS sending a call request, receiving a TCH assignment to support the call request, and then receiving updated buddy list presence information **via the TCH supporting the call request**. Moreover, the Examiner asserts that a phone being ON indicates a call request and TCH assignment. The applicants strongly disagree and suggest that a user may simply turn his or her MS on without making a call (i.e., sending a call request). The user, having turned the MS on, may be available or present with respect to other users (e.g., able to receive a call) without making any call himself / herself. Therefore, it is not inherent that a phone being ON indicates a call request and TCH assignment. These arguments made with respect to claim 21 are also applicable to claim 33.

Since none of the references cited, either independently or in combination, teach all of the limitations of independent claims 1, 21, 32 or 33, or therefore, all the limitations of their respective dependent claims, it is asserted that neither anticipation nor a prima facie case for obviousness has been shown. No remaining grounds for rejection or objection being given, the claims in their present form are asserted to be patentable over the prior art of record and in condition for allowance. Therefore, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. **502117 -- Motorola, Inc.**

Respectfully submitted,
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